

Article 3. Standards for Universal Waste Handlers**§66273.30. Applicability.**

This article applies to universal waste handlers
(as defined in section 66273.9).

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.30.

HISTORY

1. New article 3 (sections 66273.30-66273.40) and section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New article 3 (sections 66273.30-66273.40) and section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New article 3 (sections 66273.30-66273.40) and section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New article 3 (sections 66273.30-66273.40) and section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New article 3 (sections 66273.30-66273.40) and section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New article 3 (sections 66273.30-66273.40) and section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. Amendment of article heading and section filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.31. Prohibitions.

A universal waste handler is:

- (a) Prohibited from disposing of universal waste [however, a universal waste handler may send or take batteries, thermostats, mercury-added novelties containing no liquid mercury, and mercury-containing rubber flooring that are universal wastes to a destination facility for disposal]; and
- (b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 66273.37, or by managing specific wastes as provided in sections 66273.33 and 66273.33.5.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.31.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. Amendment filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.32. USEPA Notification, Department Notification, and Reporting Requirements for Universal Waste Handlers.

(a) USEPA notification requirements.

(1) Except as provided in subsections (a)(2) and (b) of this section, a universal waste handler shall have sent written notification of universal waste management to the Regional Administrator, and received a federal ID Number, before accumulating 5,000 kilograms of universal waste.

(2) A universal waste handler who has already notified the USEPA of the universal waste handler's hazardous waste management activities and has received an EPA Identification Number is not required to renotify pursuant to this section.

(b) A universal waste handler who accumulates 5,000 kilograms of universal waste, but who would not be required to notify the Regional Administrator pursuant to 40 Code of Federal Regulations section 273.32(a)(1) because the universal wastes handled are non-RCRA hazardous waste shall obtain an ID Number, as defined in section 66260.10, from the Department.

(c) Department notification requirements for universal waste handlers of electronic devices, CRTs, and CRT glass.

(1) Any universal waste handler who might accept and accumulate, but not treat, any electronic device, CRT, and/or CRT glass from an offsite source shall submit to the Department at the address given in subsection (e) or (f) of this section, an electronic or written notification containing the information specified in subsection (c)(2) of this section no later than 30 calendar days prior to accepting any electronic device, CRT and/or CRT glass.

(2) This notification shall include:

(A) Name of universal waste handler (If the facility owner is different than the facility operator, also include the owner's name.);

(B) ID Number of the universal waste handler, if applicable;

(C) Telephone number of universal waste handler;

(D) Mailing address of universal waste handler, and physical address, including county, if different from the mailing address;

(E) Name of the contact person at the universal waste handler's site who should be contacted regarding universal waste management activities;

(F) Telephone number of the contact person;

(G) An e-mail address for the contact person or organization, if available;

(H) The types of electronic devices, CRTs, and/or CRT glass expected to be handled;

(I) The sources of the electronic devices, CRTs, and/or CRT glass (i.e., residential collections, business asset recovery, other collectors, etc.); and

(J) A statement indicating whether the universal waste handler might accumulate 5,000 kilograms or more of universal waste at one time.

(3) Notifications made pursuant to this subsection shall be made for each location at which the universal waste handler accepts or accumulates electronic devices, CRTs and/or CRT glass from an offsite source.

(d) Annual reporting requirements for universal waste handlers of electronic devices, CRTs, and CRT glass.

(1) A universal waste handler that accepts more than 100 kilograms (or 220 pounds) of electronic devices, CRTs, and CRT glass calculated collectively, from any offsite sources in a calendar year shall, by February 1 of the following year, submit to the Department at the address given in subsection (e) or (f) of this section, an electronic or written annual report containing the information specified in subsection (d)(3) of this section. The information submitted pursuant to this subsection (d)(1) shall cover the electronic-device-handling, CRT-handling, and CRT-glass-handling activities conducted during the previous calendar year.

(2) A universal waste handler that generates 5,000 kilograms (or 11,000 pounds; e.g., about 200 CRTs) or more of electronic devices, CRTs, and CRT glass calculated collectively, in a calendar year shall, by February 1 of the following year, submit to the Department at the address given in subsection (e) or (f) of this section, an electronic or written annual report containing the information specified in subsection (d)(3) of this section. The information

submitted pursuant to this subsection (d)(2) shall:

(A) Identify the electronic device-handling, CRT-handling, and CRT glass-handling activities conducted during the previous calendar year; and

(B) Include [in addition to the information specified in subsection (d)(3) of this section] the types of universal wastes (i.e., electronic devices, CRTs, and/or CRT glass calculated collectively) that the universal waste handler accumulated.

(3) This annual report shall include:

(A) Name of universal waste handler;

(B) ID Number of the universal waste handler, if applicable;

(C) Telephone number of universal waste handler;

(D) Mailing address of universal waste handler, and physical address, including county, if different from the mailing address;

(E) Name of the contact person at the universal waste handler's site who should be contacted regarding universal waste management activities;

(F) Telephone number of the contact person;

(G) An e-mail address for the contact person or organization, if available;

(H) The types of electronic devices, CRTs, and CRT glass handled;

(I) The following quantities handled, which include any quantities handled but not shipped:

1. The total quantity of electronic devices that are also CRT devices (count), handled during the previous calendar year;

2. The total quantity of CRTs (count) handled during the previous calendar year;

3. The total quantity of CRT glass (weight) handled during the previous calendar year; and

4. The total quantity of electronic devices that are not also CRT devices (count or weight) handled during the previous calendar year;

(J) A list consisting of:

1. The name, address, and telephone number for each of the locations to which the universal waste handler shipped electronic devices, CRTs, and CRT glass during the previous calendar year; and

2. The following quantities shipped to each of those locations:

a. The total quantity of electronic devices that are also CRT devices (count), shipped to that location during the previous calendar year;

b. The total quantity of CRTs (count) shipped to that location during the previous calendar year;

c. The total quantity of CRT glass (weight) shipped to that location during the previous calendar year; and

d. The total quantity of electronic devices that are not also CRT devices (count or weight) shipped to that location during the previous calendar year;

(K) Whenever necessary, a universal waste handler who utilizes a mass-based inventory system to quantify electronic devices that are also CRT devices, CRTs, and electronic devices that are not also CRT devices, may convert mass data to count data through application of an appropriate conversion factor (e.g., 30 pounds per CRT) to fulfill the annual reporting requirement of subsection (d) of this section. A universal waste handler who performs such a data conversion(s) shall indicate that the count data were derived from mass data and shall include the conversion factor(s) used, in the annual report.

(e) Electronic submissions. If submitted electronically through the Department's universal waste web-based reporting system, Department notifications and annual reports required pursuant to subsections (c) and (d) of this section shall be addressed to the Department at <http://www.dtsc.ca.gov>.

(f) Written submissions. If submitted in writing, Department notifications and annual reports required pursuant to subsections (c) and (d) of this section shall be sent to the Department by certified mail, return receipt requested, at the following address: Department of Toxic Substances Control, Universal Waste Notification and Reporting Staff, P.O. Box 806, Sacramento, CA 95812-0806, with the words "Attention: Universal Waste Handling Activities" prominently displayed on the front of the envelope.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.32.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the

following day.

4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.

5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.

6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

8. Amendment of subsection (a)(1), new subsections (a)(3)-(a)(3)(C) and amendment of Note filed 6-7-2004 as an emergency; operative 6-7-2004 (Register 2004, No. 24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6-7-2006 or emergency language will be repealed by operation of law on the following day.

9. Amendment of subsection (a)(1), new subsections (a)(3)-(a)(3)(C) and amendment of Note refiled 6-5-2006 as an emergency, including further amendment of Note; operative 6-5-2006 (Register 2006, No. 23). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

10. Amendment of subsection (a)(1), new subsections (a)(3)-(a)(3)(C) and amendment of Note refiled 5-8-2008 as an emergency; operative 5-8-2008 (Register 2008, No. 19). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

11. Certificate of Compliance as to 5-8-2008 order, including amendment of section heading and further amendment of section and Note, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).

12. Editorial correction of History 11 (Register 2009, No. 10.)

§66273.33. Universal Waste Management Requirements for Batteries, Lamps, and Mercury-Containing Equipment.

The requirements of this section apply only to universal waste handlers of batteries, lamps (including M003 wastes that contain lamps), and mercury-containing equipment. The corresponding requirements for universal waste handlers of electronic devices, CRTs, and CRT glass are set forth in section 66273.33.5. Handlers of universal wastes that are both electronic devices and M003 wastes [e.g., an electronic device that contains a lamp [an M003 waste]] shall comply with this section and section 66273.33.5 for the management of those universal wastes. However, once lamp removal is completed on such waste, such waste shall no longer to be managed as M003 waste and it shall be managed as an electronic device pursuant to section 66273.33.5, if applicable.

(a) Batteries. A handler shall manage batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A universal waste handler shall contain any battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the battery and its contents, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A universal waste handler may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

- (A) Sorting batteries by type;
- (B) Mixing battery types in one container;
- (C) Discharging batteries so as to remove the electric charge;
- (D) Regenerating used batteries;
- (E) Disassembling batteries or battery packs into individual batteries or cells;
- (F) Removing batteries from consumer products; or
- (G) Removing electrolyte from batteries.

(3) A universal waste handler who removes electrolyte from batteries, or who generates other waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2) of this section, shall determine whether the electrolyte and/or other waste exhibit a characteristic of hazardous waste

identified in article 3 of chapter 11.

(A) If the electrolyte and/or other waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this division. The universal waste handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to chapter 12.

(B) If the electrolyte or other waste is not hazardous, the universal waste handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Lamps (including M003 wastes that contain lamps). A universal waste handler shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A universal waste handler shall contain any lamp in a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the lamp. Such a container or package shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A universal waste handler shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of leakage or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

(3) A universal waste handler may remove a lamp from a product or structure, provided the universal waste handler removes the lamp in a manner designed to prevent breakage.

(c) Mercury-containing equipment.

(1) Accumulation. A universal waste handler who accumulates any mercury-containing equipment received from another universal waste handler shall:

(A) Comply with all applicable requirements for handling hazardous materials;

(B) Disclose in all applicable business and use permitting applications that mercury is being handled;

(C) Comply with the location standards in section 66265.18;

(D) Comply with the seismic and precipitation design standards in section 66265.25;

(E) Accumulate mercury-containing equipment only in locations that are zoned for commercial or industrial uses, are consistent with local zoning requirements and land use patterns, and do not pose site-specific land-use hazards or contain sensitive habitat area, based on a review of state and local planning documents and constraints mapping.

(2) Prevention of releases to the environment. A universal waste handler, who manages the types of mercury-containing equipment identified in subsections (c)(3) through (c)(5) of this section, shall comply with the requirements specified in those subsections.

(3) Mercury-containing rubber flooring. A universal waste handler shall manage mercury-containing rubber flooring in a way that prevents releases of any universal waste or component of a universal waste to the environment under reasonably foreseeable conditions.

(4) Dental amalgams and/or pressure or vacuum gauges. A universal waste handler shall manage dental amalgams and/or pressure or vacuum gauges in a way that prevents releases of any universal waste or component of a universal waste to the environment under reasonably foreseeable conditions, and shall:

(A) Comply with all of the following with respect to the dental amalgams:

1. Place dental amalgams (e.g., dental-amalgam scraps and fines, single-use dental-amalgam traps and filters, and extracted teeth with dental-amalgam restorations) in airtight containers. The containers shall be kept closed, except when dental amalgams are being added or removed.

2. Not rinse dental-amalgam traps or filters into a sink.

3. Not place dental amalgams into medical waste containers.

(B) Comply with all of the following with respect to the pressure or vacuum gauges:

1. Manage pressure or vacuum gauges as follows:

a. All openings through which mercury could escape shall be securely closed with appropriately sized stoppers or other closures that are compatible with the contents of the pressure or vacuum gauge.

b. Each pressure or vacuum gauge shall be sealed in a plastic bag. Plastic bags containing pressure or vacuum gauges shall be placed into a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the pressure or vacuum gauge. The container or package shall remain closed (except when pressure or vacuum gauges are added or removed), and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall contain packing materials adequate to prevent breakage during storage, handling, and transportation.

c. Pressure or vacuum gauges shall be kept upright at all times during handling, accumulation, and transportation.

d. A mercury clean-up system shall be readily available to transfer immediately any mercury resulting from spills or leaks from pressure or vacuum gauges to an airtight container that meets the requirements of subsection (c)(4)(B)1.b. of this section.

2. Meet the requirements of subsection (c)(7) of this section, if removing liquid mercury from a pressure or vacuum gauge.

(5) All other mercury-containing equipment. A universal waste handler of the mercury-containing equipment listed in subsections (c)(5)(A) through (c)(5)(F) of this section (i.e., thermostats, mercury switches, mercury-added

novelties, gas flow regulators, mercury counterweights and dampers, and/or dilators and weighted tubing) shall manage such equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment under reasonably foreseeable conditions, and shall comply with the additional requirements specified in those subsections.

(A) Thermostats. A universal waste handler shall manage thermostats (and ampules removed from thermostats) in accordance with the requirements of subsection (c)(6)(A) of this section.

(B) Mercury switches and/or thermometers. A universal waste handler shall manage mercury switches and/or thermometers in accordance with the requirements of subsection (c)(6)(C) of this section and with the following requirements, as applicable:

1.a. Contain in a sealed plastic bag in a container, any mercury switch or thermometer that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall be closed (except when a mercury switch or thermometer is added or removed), structurally sound, and compatible with the contents of the mercury switches and/or thermometers, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall contain packing materials adequate to prevent breakage of mercury switches and/or thermometers during storage, handling, and transportation.

b. Accumulate thermometers in closed, non-leaking containers that are in good condition and shall pack thermometers with packing materials adequate to prevent breakage during storage, handling, and transportation.

2. Do the following, prior to crushing, baling, shearing, or shredding a motor vehicle equipped with one or more mercury switches that are also mercury-containing motor vehicle light switches:

a. Remove all such mercury switches (except those that cannot be removed due to accidental damage to the vehicle) or ensure that all such mercury switches (except those that cannot be removed due to accidental damage to the vehicle) have already been removed; and

b. Comply with subsection (c)(7) of this section, if removing a mercury-containing motor vehicle light switch.

(C) Mercury-added novelties. A universal waste handler shall manage mercury-added novelties in accordance with the requirements of subsection (c)(6)(C) of this section and with the following requirements, as applicable:

1. Manage mercury-added novelties, whose only mercury is contained in a button cell or other battery, pursuant to the requirements for batteries specified in subsection (a) of this section.

a. A universal waste handler, who is also a conditionally exempt small quantity universal waste generator, may remove from such mercury-added novelties batteries containing mercury if they are removable.

b. Batteries removed from such mercury-added novelties may be managed pursuant to subsection (a) of this section.

2. Accumulate in an airtight container, mercury-added novelties that are painted with paint containing mercury. The container shall be closed (except when mercury-added novelties are added or removed), structurally sound, and compatible with the mercury-added novelties, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

3. Manage mercury-added novelties that contain liquid mercury, as follows:

a. Such mercury-added novelties shall be packed in an airtight container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall: be closed (except when mercury-added novelties are added or removed), structurally sound, and compatible with the mercury-added novelties, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

b. Any such mercury-added novelty that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions shall be placed in an airtight container. The container shall meet the requirements of subsection (c)(5)(C)3.a. of this section.

c. A mercury clean-up system shall be readily available.

4. Manage mercury-added novelties, whose only mercury is contained in mercury switches, pursuant to the requirements of subsection (c)(5)(B) of this section.

a. A universal waste handler may manage mercury switches removed from mercury-added novelties as mercury switches.

b. A universal waste handler shall comply with subsection (c)(7) of this section, if removing a mercury switch from a mercury-added novelty.

(D) Gas flow regulators. A universal waste handler shall manage gas flow regulators in accordance with the requirements of subsection (c)(6)(C) of this section and with all of the following requirements:

1. Ensure that gas flow regulators are kept upright at all times during accumulation and transportation.

2. Place each gas flow regulator into an airtight container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the gas flow regulator. The container or package shall remain closed and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

3. Ensure that a mercury clean-up system is readily available to transfer immediately any mercury resulting from spills or leaks from gas flow regulators, to an airtight container that meets the requirements of subsection (c)(5)(D)2. of this section.

(E) Mercury counterweights and dampers. A universal waste handler shall manage mercury counterweights and dampers in accordance with the requirements of subsections (c)(6)(B) and (c)(6)(C) of this section and with all of

the following requirements:

1. Prior to shipping mercury counterweights and dampers to a recycler, pack them in a container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed (except when mercury counterweights and dampers are added or removed), structurally sound, and compatible with the contents of the mercury counterweight or damper; and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2. Ensure that a mercury clean-up system is readily available.

(F) Dilators and weighted tubing. A universal waste handler shall manage dilators and weighted tubing in accordance with the requirements of subsections (c)(6)(B) and (c)(6)(C) of this section, and with all of the following requirements:

1. Prior to shipping dilators and weighted tubing, pack them in a container with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed (except when dilators and weighted tubing are added or removed), structurally sound, and compatible with the contents of the dilators and weighted tubing, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2. Ensure that a mercury clean-up system is readily available.

(6) General requirements. A universal waste handler shall manage the mercury-containing equipment identified in subsection (c)(5) of this section in accordance with the following requirements, as specified in that subsection:

(A) Place in a container any mercury-containing equipment with uncontained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall: be closed (except when mercury-containing equipment is added or removed), structurally sound, and compatible with the contents of the mercury-containing equipment; lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(B) Place into a sealed plastic bag in an airtight container, any mercury-containing equipment that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall: be closed (except when mercury-containing equipment is added or removed), structurally sound, and compatible with the contents of the mercury-containing equipment; and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(C) Characterize residuals as follows:

1. Determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11 of this division:

- a. Mercury or clean-up residues resulting from spills or leaks; and/or
- b. Other wastes generated as a result of handling mercury-containing equipment.

2. If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the universal waste handler shall manage the wastes in compliance with all applicable requirements of this division. The universal waste handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12 of this division.

3. If the mercury, residues, and/or other wastes do not exhibit a characteristic of hazardous waste, the universal waste handler may manage the wastes in any way that complies with all applicable federal, state and local solid waste regulations.

(7) Treatment. A universal waste handler, who treats any mercury-containing equipment (e.g., removes ampules and mercury switches, drains pressure or vacuum gauges), shall comply with the applicable requirements of article 7 of this chapter in addition to the requirements of subsection (c) of this section with respect to the mercury-containing equipment.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.6, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.33.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.

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- 5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. New subsections (d)-(d)(3) and amendment of Note filed 2-3-2003; operative 2-3-2003 (Register 2003, No. 6).
9. New subsections (c)(3) and (e)-(l)(4)(C) and amendment of Note filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).
10. Amendment of section and Note filed 6-7-2004 as an emergency; operative 6-7-2004 (Register 2004, No. 24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6-7-2006 or emergency language will be repealed by operation of law on the following day.
11. Amendment of section and Note refiled 6-5-2006 as an emergency, including further amendment of Note; operative 6-5-2006 (Register 2006, No. 23). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.
12. Amendment of section and Note refiled 5-8-2008 as an emergency; operative 5-8-2008 (Register 2008, No. 19). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.
13. Certificate of Compliance as to 5-8-2008 order, including amendment of section heading and further amendment of section and Note, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).
14. Editorial correction of History 13 (Register 2009, No. 10.)

§66273.33.5. Universal Waste Management Requirements for Electronic Devices, CRTs, and CRT Glass.

The requirements of this section apply only to universal waste handlers of electronic devices, CRTs, and/or CRT glass.

- (a) Electronic devices.
 - (1) A universal waste handler of electronic devices shall:
 - (A) Comply with the applicable requirements of sections 66273.30 through 66273.32, and of sections 66273.34 through 66273.39, of this article with respect to the management of those electronic devices; and
 - (B) Manage electronic devices in a way that prevents releases of any universal waste or component of a universal waste to the environment under reasonably foreseeable conditions, as follows:
 - 1.a. A universal waste handler shall contain any electronic device in a manner that prevents breakage and release of components to the environment. If a container is used, such a container shall prevent leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
 - b. Intact electronic devices that are managed in a manner that prevents breakage of the electronic devices and release of components of the electronic devices to the environment under reasonably foreseeable conditions (e.g., stretch-film on a pallet) shall be deemed to comply with subsection (a)(1)(B)1.a. of this section.
 - 2. A universal waste handler shall immediately clean up and place in a container any electronic device that is accidentally or unintentionally broken and may be expected to cause a release of hazardous constituents to the environment under reasonably foreseeable conditions. The container shall be structurally sound, compatible with the contents of the electronic devices and shall prevent releases of components to the environment under reasonably foreseeable conditions.
 - (2) Except as otherwise provided in subsection (a)(3) of this section, a universal waste handler of electronic devices shall comply with the applicable requirements of article 7 of this chapter in addition to the requirements of subsection (a)(1) of this section with respect to the electronic devices.
 - (3) A universal waste handler of electronic devices shall be exempt from the requirements of article 7 of this chapter with respect to the electronic devices, if the universal waste handler:
 - (A) Manages only electronic devices that are intact (except for the occasional electronic device that is accidentally or unintentionally broken and that is managed according to the applicable provisions of this chapter);
 - (B) Ensures that the intact electronic devices remain intact (except for the occasional electronic device that is accidentally or unintentionally broken and that is managed according to the applicable provisions of this chapter)

throughout the entire time they are in the universal waste handler's custody; and

(C) Complies with the requirements of section (a)(1) of this section.

(b) CRTs.

(1) A universal waste handler of CRTs shall:

(A) Comply with the applicable requirements of sections 66273.30 through 66273.32, and of sections 66273.34 through 66273.39, of this article with respect to the management of those CRTs; and

(B) Manage CRTs in a manner that prevents releases of any CRTs or component of any CRTs to the environment under reasonably foreseeable conditions, as follows:

1. A universal waste handler shall contain any CRT in a container or package that is structurally sound, adequate to prevent breakage of the CRT, and compatible with the contents of the CRT. Such a container or package shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

2. A universal waste handler shall immediately clean up and place in a container any CRT that is broken and shall place in a container any CRT that shows evidence of breakage, leakage, or damage that could cause the release of CRT glass or other hazardous constituents to the environment under reasonably foreseeable conditions. The containers shall be structurally sound, compatible with the contents of the CRTs and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of CRT glass or other hazardous constituents to the environment under reasonably foreseeable conditions.

3. A universal waste handler shall place CRTs in a container with packing materials, if such material is necessary to prevent breakage during handling, storage and transportation.

(2) A universal waste handler of CRTs shall comply with the applicable requirements of article 7 of this chapter in addition to the requirements of subsection (b)(1) of this section with respect to the CRTs.

(c) CRT glass.

(1) A universal waste handler of CRT glass shall:

(A) Comply with the applicable requirements of sections 66273.30 through 66273.32, and of sections 66273.34 through 66273.39, of this article with respect to the management of the CRT glass; and

(B) Manage CRT glass in a way that prevents releases of any CRT glass to the environment under reasonably foreseeable conditions, as follows:

1. A universal waste handler shall contain any CRT glass in a container or package that is structurally sound and compatible with the contents of the CRT glass to prevent releases to the environment. Such a container or package shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

2. A universal waste handler shall immediately clean up and place in a container any CRT glass that is released from a broken CRT or that is spilled. A universal waste handler shall immediately clean up and place in another container any CRT glass that is released as a result of breakage, leakage, or damage to a container of CRT glass, and shall place in that other container any unreleased CRT glass remaining in the broken, leaking, or damaged container. The containers into which CRT glass is placed shall be structurally sound, compatible with the contents of the CRT glass, and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of CRT glass or other hazardous constituents to the environment under reasonably foreseeable conditions.

(2) A universal waste handler of CRT glass shall comply with the applicable requirements of article 7 of this chapter in addition to the requirements of subsection (c)(1) of this section with respect to the CRT glass.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code.

HISTORY

1. New section filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.34. Labeling/Marking.

Except as otherwise provided in subsection (g) of this section, a universal waste handler shall label or mark universal waste to identify the type of universal waste as specified in subsections (a) through (f) of this section.

(a) Batteries (i.e., each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with the following phrase: "Universal Waste--Battery(ies)".

(b) Mercury-containing equipment (i.e., each individual mercury-containing equipment), or a container in which the mercury-containing equipment is contained, shall be labeled or marked clearly with the following phrase: "Universal Waste--Mercury Containing Equipment"

(c) Lamps (including M003 wastes that contain lamps) (i.e., each lamp), or a container or package in which the lamps are contained, shall be labeled or marked clearly with the following phrase: "Universal Waste--Lamp(s)".

(d) Electronic devices (i.e., each electronic device), or a container or pallet in or on which the electronic devices are contained, shall be labeled or marked clearly with the following phrase: "Universal Waste--Electronic Device(s)".

(e) CRTs (i.e., each CRT), or a container or pallet in or on which the CRTs are contained, shall be labeled or marked clearly with the following phrase: "Universal Waste--CRT(s)".

(f) A container of CRT glass shall be labeled or marked clearly with the following phrase: "Universal Waste--CRT glass".

(g) In lieu of labeling individual electronic devices, CRTs, and/or containers of CRT glass pursuant to subsections (d) through (f) of this section, a universal waste handler may combine, package, and accumulate those universal wastes in appropriate containers or within a designated area demarcated by boundaries that are clearly labeled with the applicable portion(s) of the following phrase: "Universal Waste--Electronic Device(s)/Universal Waste--CRT(s)/Universal Waste--CRT Glass".

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.6, 25214.9, 25219.1 and 58012, Health and Safety Code; and Sections 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.34.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. New subsection (d) and amendment of Note filed 2-3-2003; operative 2-3-2003 (Register 2003, No. 6).
9. Amendment of subsection (b), new subsections (e)-(l) and amendment of Note filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).
10. Amendment of subsection (d), new subsection (d)(1) and amendment of Note filed 6-7-2004 as an emergency; operative 6-7-2004 (Register 2004, No. 24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6-7-2006 or emergency language will be repealed by operation of law on the following day.
11. Amendment of subsection (d), new subsection (d)(1) and amendment of Note refiled 6-5-2006 as an emergency, including further amendment of Note; operative 6-5-2006 (Register 2006, No. 23). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.
12. Amendment of subsection (d), new subsection (d)(1) and amendment of Note refiled 5-8-2008 as an emergency; operative 5-8-2008 (Register 2008, No. 19). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.
13. Certificate of Compliance as to 5-8-2008 order, including further amendment of section and Note, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).
14. Editorial correction of History 13 (Register 2009, No. 10.)

§66273.35. Accumulation Time Limits.

(a) A universal waste handler shall accumulate universal waste for no longer than one year from the date the universal waste was generated, or was received from another universal waste handler.

(b) A universal waste handler shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it became a waste or was received. The universal waste handler may make this demonstration by:

- (1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
- (2) Marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;
- (3) Maintaining an inventory system onsite that identifies the date the universal waste being accumulated became a waste or was received;
- (4) Maintaining an inventory system onsite that identifies the earliest date that any universal waste in a group of items of universal waste or a group of containers of universal waste became a waste or was received;
- (5) Placing the universal waste in a specific accumulation area and marking or labeling the area to identify the earliest date that any universal waste in the area became a waste or was received; or
- (6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it became a waste or was received.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.6, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.35.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order, including amendment of Note, transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. Amendment of section and Note filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.36. Personnel Training.

(a) A universal waste handler shall ensure that all personnel who manage universal wastes from offsite sources at the universal waste handler's facility are thoroughly familiar with proper universal waste management and emergency response procedures relative to those persons' responsibilities, as specified in subsections (b) and (c) of this section.

(1) For purposes of this section, "personnel who manage universal waste from offsite sources" means any persons who consolidate, sort, treat, recycle, package for transport, offer for transport, or physically relocate containers of universal waste.

(2) Persons who, in the course of their normal duties, only generate universal wastes from onsite sources and place them into accumulation containers, areas or locations are not "personnel who manage universal waste from offsite sources" (e.g., an office worker who removes spent batteries from an electronic device).

(b) A universal waste handler shall initially train and provide annually, thereafter, training to all personnel who manage or who supervise those who manage universal wastes from offsite sources. Training materials shall be in the form of any written media (e.g., brochures, electronic mail, company letters, pamphlets, posters, etc.) and shall

include the date of that material. This training shall include, at a minimum:

- (1) The types and hazards associated with the universal waste that personnel may manage at the facility (e.g., hazards due to leaded glass in CRT devices or CRTs);
 - (2) The proper disposition of universal wastes managed at the facility (e.g., the locations of universal waste containers, or the location of a centralized universal waste accumulation area);
 - (3) The proper procedures for responding to releases of universal wastes (e.g., spilled CRT glass) including the position titles and the means of contacting those personnel at the facility who are designated to respond to reports of releases (e.g., spilled CRT glass) and/or to respond to questions received from other personnel at the facility; and
 - (4) The applicable requirements contained in this chapter regarding labeling, collecting, handling, consolidating, and shipping universal wastes at the facility, including, but not limited to, the prohibition on the disposal of universal wastes, and for personnel involved in shipping universal wastes who are "hazmat employees", as defined in 49 Code of Federal Regulations section 171.8, the applicable requirements prescribed in 49 Code of Federal Regulations section 172.704.
- (c) The universal waste handler shall maintain a written record by date (e.g., a list of personnel who have received either initial or annual training information) indicating the names of personnel who received the information specified in subsection (b) of this section.
- (d) The universal waste handler shall maintain the record specified in subsection (c) of this section for at least three years from the date the person last managed any universal waste at the facility. The record of training for a "hazmat employee", as defined in 49 Code of Federal Regulations section 171.8, shall meet the applicable requirements of 49 Code of Federal Regulations section 172.704(d). The training record may accompany a person who is transferred within the same company.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.36.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. Amendment of section heading, section and Note filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.37. Response to Releases.

- (a) A universal waste handler shall immediately contain all releases of universal wastes and of residues from universal wastes to the environment.
- (b) A universal waste handler shall determine whether any material resulting from such a release is a hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of this division. The universal waste handler is considered the generator of the hazardous waste resulting from the release, and is subject to the requirements of chapter 12.
- (c) Hazardous waste consisting only of residues of leaking, broken, or otherwise damaged universal waste

may be managed as universal waste provided that the leaking, broken, or otherwise damaged universal waste is repackaged according to the standards of section 66273.33 or 66273.33.5.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.37.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order, including new subsection (c), transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. Amendment of section and Note filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.38. Offsite Shipments.

- (a) A universal waste handler is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.
- (b) If a universal waste handler self-transport universal waste offsite, the universal waste handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of article 5 of this chapter while transporting the universal waste.
- (c) If a universal waste being offered for offsite transportation meets the definition of hazardous material pursuant to 49 CFR parts 171 through 180, a universal waste handler shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations pursuant to 49 CFR parts 172 through 180;
- (d) Prior to sending a shipment of universal waste to another universal waste handler or to a destination facility, the originating universal waste handler shall ensure that the receiving universal waste handler or destination facility agrees (e.g., verbal or written communication) to receive the shipment.
- (e) If a universal waste handler sends a shipment of universal waste to another universal waste handler or to a destination facility and the shipment is rejected by the receiving universal waste handler or destination facility, the originating universal waste handler shall either:
 - (1) Receive the universal waste back when notified that the shipment has been rejected; or
 - (2) Agree with the receiving universal waste handler on a destination facility to which the shipment will be sent.
- (f) A universal waste handler may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that the universal waste handler has received from another universal waste handler. If a universal waste handler rejects a shipment or a portion of a shipment, the universal waste handler shall contact and notify the originating universal waste handler of the rejection and to discuss reshipment of the load. The universal waste handler shall:
 - (1) Send the shipment back to the originating universal waste handler; or
 - (2) If agreed to by both the originating and receiving universal waste handler, send the shipment to a destination facility.

(g) If a universal waste handler receives as universal waste, a shipment containing hazardous waste that is not a universal waste, the universal waste handler shall immediately notify the Department of the illegal shipment, and provide the name, address, and telephone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.

(h) If a universal waste handler receives as universal waste, a shipment of nonhazardous waste, the universal waste handler shall manage the nonhazardous waste in any way that is in compliance with applicable federal, state and local solid waste regulations.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1, 25219.2 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.38.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order, including amendment of Note, transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. Amendment of section heading and section filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.39. Tracking Universal Waste Shipments.

(a) Receipt of shipments. A universal waste handler shall keep a record of each shipment of universal waste received at the universal waste handler's facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received shall include the following information:

- (1) The name and address of the originating universal waste handler from which the universal waste was sent;
- (2) The quantity [count or weight, consistent with, for example, section 66273.32, subsection (d)] of each type of universal waste received (e.g., batteries, thermostats, lamps, electronic devices, CRTs, CRT glass); and
- (3) The date of receipt of the shipment of universal waste.

(b) For purposes of compliance with subsection (a) of this section, a universal waste handler who receives universal wastes from household generators and conditionally exempt small quantity universal waste generators, as defined in section 66273.9, may

- (1) in lieu of the originating universal waste handler's name and address, record "household generator" and/or "CESQUWG", and

(2) record the total quantity of each type of universal waste as an aggregate from households and/or conditionally exempt small quantity universal waste generators, as defined in section 66273.9.

(c) Shipments offsite. A universal waste handler shall keep a record of each shipment of universal waste sent from the universal waste handler's facility to another facility. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent shall include the following information:

- (1) The name and address of the universal waste handler or destination facility to which the universal waste

was sent;

(2) The quantity [count or weight, consistent with, for example, section 66273.32, subsection (d)] of each type of universal waste sent (e.g., batteries, thermostats, lamps, electronic devices, CRTs, CRT glass);

(3) The date of departure of the shipment of universal waste.

(d) Record retention.

(1) A universal waste handler shall retain each record described in subsection (a) of this section for at least three years from the date of receipt of the corresponding shipment of universal waste.

(2) A universal waste handler shall retain each record described in subsection (b) of this section for at least three years from the date of departure of the corresponding shipment of universal waste.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1, 25219.2 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.39.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.

5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.

6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 11-2-2001 order, including amendment of Note, transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

8. Amendment filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).